

Introduced by Senator Allen

February 27, 2015

An act to add Section 13172.5 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 637, as introduced, Allen. Water quality: suction dredge mining: permits.

Existing law prohibits the use of any vacuum or suction dredge equipment by any person in any river, stream, or lake of this state without a permit issued by the Department of Fish and Wildlife.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act, with certain exceptions, requires a waste discharger to file certain information with the appropriate regional board and to pay an annual fee. The state act additionally requires a person, before discharging mining waste, to submit to the regional board a report on the physical and chemical characteristics of the waste that could affect its potential to cause pollution or contamination and a report that evaluates the potential of the mining waste discharge to produce acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances.

This bill would require, by July 1, 2017, the State Water Resources Control board to establish a permitting process for suction dredge mining and related mining activities in rivers and streams in the state, consistent with requirements of the state act. The bill would require that the regulations, at a minimum, address cumulative and water quality impacts

of specified issues. A person who violates these regulations would be liable for an unspecified penalty. The bill would provide that the state board is not prohibited from adopting regulations that would prohibit suction dredge mining, if the state board makes a certain finding relating to water quality objectives, to the extent consistent with federal law. The bill would prohibit these provisions from affecting any other law, including the California Environmental Quality Act and specified provisions relating to streambed alteration requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13172.5 is added to the Water Code, to
2 read:
3 13172.5. (a) On or before July 1, 2017, the state board shall
4 establish by regulation a permitting process for suction dredge
5 mining and related mining activities in rivers and streams in the
6 state. The regulations shall be consistent with the requirements of
7 this division and, at a minimum, address cumulative and water
8 quality impacts of each of the following:
9 (1) Mercury loading to downstream reaches of rivers and streams
10 affected by suction dredge mining.
11 (2) Methylmercury formation in water bodies.
12 (3) Bioaccumulation of mercury in aquatic organisms.
13 (b) A person who violates a regulation adopted pursuant to this
14 section shall be liable in the amount of ____ (\$____).
15 (c) Nothing in subdivision (a) shall prohibit the state board from
16 adopting regulations that prohibit suction dredge mining if the
17 state board finds that prohibition is necessary to regulate waste
18 discharges that violate or impair water quality objectives or other
19 criteria under this division, to the extent consistent with federal
20 law. In making this determination, the state board may consider,
21 but is not limited to, soil types, fueling and re-fueling activities,
22 and horsepower limitations.
23 (d) This section does not affect any other law, including the
24 California Environmental Quality Act (Division 13 (commencing
25 with Section 21000) of the Public Resources Code) and the
26 Department of Fish and Wildlife's streambed alteration

- 1 requirements described in Chapter 6 (commencing with Section
- 2 1600) of the Fish and Game Code.

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